

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

DAVID CICERO PUCKETT,)	
)	
Plaintiff,)	
)	CASE NO.:
v.)	
)	CV-09-RRA-2222-E
UNITED STATES POSTAL SERVICE,)	
)	
Defendant.)	

Memorandum Opinion

This case comes before the Court on the In Forma Pauperis Affidavit filed by the Plaintiff. (Doc. 2). On November 5, 2009, the magistrate ordered that the Plaintiff should be allowed to proceed as a pauper, and thus should be allowed to commence this action without prepayment of fees, costs, or security. The magistrate also found that the plaintiff is not entitled to the appointment of an attorney.

The magistrate also conducted a frivolity review pursuant to 28 U.S.C.A. § 1915 (e)(2)(B)(I) and (ii) and recommended that the case be dismissed as frivolous. The plaintiff has now filed an objection to the recommendation.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The Court EXPRESSLY FINDS that the case should be dismissed as frivolous pursuant to 28 U.S.C.A. § 1915 (e)(2)(B)(I) and (ii). A Final Judgment will be entered.

DONE this the 19th day of November 2009.



INGE PRYTZ JOHNSON
U.S. DISTRICT JUDGE